

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MOHAMMAD MUSTAFA SOHAIL,
Petitioner/Plaintiff,

V.

**GEORGE W. BUSH, *et al.*,
Respondents/Defendants.**

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Civil Action No. 05-cv-00993 (RMU))

PETITIONER’S NOTICE REGARDING THE UNCONSTITUTIONALITY
OF THE MILITARY COMMISSIONS ACT OF 2006

Petitioner respectfully gives notice that at the appropriate time he intends to argue, *inter alia*, that the Military Commissions Act of 2006, Pub., L. No. 109-366 (“MCA”), which purports to suspend the right of habeas corpus “of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination,” *id.* At Sec. 7, is invalid under the Suspension Clause, Article I, Sec. 9, Clause 2, of the United States Constitution. The constitutional validity of the MCA is currently being briefed before the District of Columbia Circuit Court of Appeals in the pending appeals, *Boumediene v. Bush*, 05-5062 (D.C. Cir.), and *Al Odah v. United States*, No. 05-5064 (D.C. Cir.), and Petitioner awaits that outcome as relevant to his pending claim.

Dated: November 6, 2006

Respectfully submitted,

Counsel for Petitioner:

s/ Katherine M. Menendez

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